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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	Graff-P2-01
First Inventor	Richard A. Graff
Title	Bidder System Using Multiple Computers... Fixed Income Instruments
Express Mail Label No.	ET293076795US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. [XX] Fee Transmittal Form (e.g., PTO/SB/17)
   (Submit an original and a duplicate for fee processing)
2. [XX] Applicant claims small entity status.
   See 37 CFR 1.27.
3. [XX] Specification [Total Pages 705]
   (preferred arrangement set forth below)
   - Descriptive title of the invention
   - Cross Reference to Related Applications
   - Statement Regarding Fed sponsored R & D
   - Reference to sequence listing, a table,
     or a computer program listing appendix
   - Background of the Invention
   - Brief Summary of the Invention
   - Brief Description of the Drawings *(if filed)*
   - Detailed Description
   - Claim(s)
   - Abstract of the Disclosure
4. [XX] Drawing(s) (35 U.S.C. 113) [Total Sheets 17]
5. Oath or Declaration [Total Pages 4]
   a. [XX] Newly executed (original or copy)
   b. [ ] Copy from a prior application (37 CFR 1.63 (d))
      (for continuation/divisional with Box 18 completed)
      i. [ ] DELETION OF INVENTOR(S)
         Signed statement attached deleting inventor(s)
         named in the prior application, see 37 CFR
         1.63(d)(2) and 1.33(b).
6. [ ] Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. [ ] CD-ROM or CD-R in duplicate, large table or
   Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission
   (*if applicable, all necessary*)
   a. [ ] Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. [ ] CD-ROM or CD-R (2 copies); or
      ii. [ ] paper
   c. [ ] Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. [XX] Assignment Papers (cover sheet & document(s))
10. [ ] 37 CFR 3.73(b) Statement   [XX] Power of Attorney
    (when there is an assignee)
11. [ ] English Translation Document *(if applicable)*
12. [ ] Information Disclosure Statement (IDS)/PTO-1449   [ ] Copies of IDS Citations
13. [ ] Preliminary Amendment
14. [ ] Return Receipt Postcard (MPEP 503)
    (Should be specifically itemized)
15. [ ] Certified Copy of Priority Document(s)
    (if foreign priority is claimed)
16. [ ] Request and Certification under 35 U.S.C. 122
    (b)(2)(B)(i). Applicant must attach form PTO/SB/35
    or its equivalent.
17. [XX] Other: Request for An Interference

18. If a CONTINUING APPLICATION, *check appropriate box, and supply the requisite information below and in a preliminary amendment,
or in an Application Data Sheet under 37 CFR 1.76:*

[X] Continuation   [ ] Divisional   [ ] Continuation-in-part (CIP)   of prior application No.: _____/_____

SEE PAGE 2 OF APPLICATION

Prior application information: Examiner _____   Group Art Unit _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under
Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.
The incorporation <u>can only</u> be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

[XX] Customer Number or Bar Code Label   or [ ] Correspondence address below

Name	
Address	28710
City	State
Country	Telephone	Fax

Name (Print/Type)	Peter K. Trzyna	Registration No. (Attorney/Agent)	32,601
Signature		Date	12/11/01

Express Mail Label No. ET293076795US

FEE TRANSMITTAL
for FY 2001

Patent fees are subject to annual revision.

Complete if Known	
Application Number	
Filing Date	
First Named Inventor	Richard A. Graff
Examiner Name	N. Rosen
Group Art Unit	
Attorney Docket No.	Graff-P2-01

TOTAL AMOUNT OF PAYMENT ($) 473.00

METHOD OF PAYMENT

1. [X] The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: **50-0235**

Deposit Account Name: **Peter K. Trzyna**

[XX] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

[X] Applicant claims small entity status. See 37 CFR 1.27

2. [ ] Payment Enclosed:
[ ] Check [ ] Credit card [ ] Money Order [ ] Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee ($)	Fee Code	Fee ($)		
101	710	201	355	Utility filing fee	370.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) ($) 370.00

2. EXTRA CLAIM FEES

	Extra Claims		Fee from below	Fee Paid
Total Claims	[27] -20** = [7]	X	[9] =	63.00
Independent Claims	[2] - 3** = [0]	X	[ ] =	0
Multiple Dependent			[ ] =	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee ($)	Fee Code	Fee ($)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 63.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee ($)	Fee Code	Fee ($)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 40.00

SUBMITTED BY

			Complete (if applicable)		
Name (Print/Type)	Peter K. Trzyna	Registration No (Attorney/Agent)	32,601	Telephone	3122400824
Signature				Date	12\11\01

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PATENT

Paper No.

File: Graff-p2-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Richard A. Graff
Serial No.	:	
Filed	:	December 11, 2001
For	:	BIDDER SYSTEM USING MULTIPLE COMPUTERS COMMUNICATING DATA TO CARRY OUT SELLING FIXED INCOME INSTRUMENTS
Group Art Unit	:	
Examiner	:	

Honorable Commissioner of Patents
 and Trademarks
Washington, D.C. 20231

REQUEST BY APPLICANT UNDER
37 C.F.R. § 1.607 FOR
INTERFERENCE WITH PATENT

S I R :

Pursuant to 37 C.F.R. § 1.607, Applicant respectfully requests that an interference be declared between the above-identified patent application and a patent.

(1)   Identity of the Patent

The identity of the patent is U.S. Patent No. 6,161,099, filed May 29, 1998, naming as inventors Myles C. S. Harrington, Daniel J. Veres, and Robert M. Panoff, and assigned to MuniAuctions, Inc.

(2) **The Proposed Counts**

The proposed counts are as follows:

COUNT 1.

1.   In an electronic bidder system including a second computer having an output means and at least one buyer's computer having an electrically coupled input means and a monitor, said buyer's computer and said second computer being respectively located, said computers being used in cooperation in a multiple computer system in electronically communicating data between said computers, an electronic bidder process for selling fixed income instruments, the process comprising:

inputting data associated with at least one price the buyer is willing to pay for at least one fixed income instrument into said buyer's computer via said input means;

automatically computing a yield/discount rate based at least in part on said inputted data, said automatically computed yield/discount rate associated with said at least one fixed income instrument;

presenting said price by outputting at least some of said inputted data from said buyer's computer over said multiple computer system; and

communicating data associated with said price to said second computer over said multiple computer system and displaying, on said output means, information associated with said price including said computed yield/discount rate, wherein at least one of the inputting step, the presenting step, and the communicating step includes the step of using a computer program for receiving data from an other computer in said multiple computer system.

COUNT 2.

2.   In an electronic bidder system including multiple buyers' computers and an other computer, the multiple buyers' computers and the other computer respectively located, each of said multiple buyers' computer having a respective electrically coupled input means and monitor, said other computer having an output means, said computers being used in cooperation in a multiple computer system in electronically communicating data between said computers, an electronic bidder process for selling fixed income instruments comprising:

at one of said multiple buyers' computers, inputting data associated with a price one of the multiple buyers is willing to pay for fixed income instruments via said respective input means;

automatically computing one yield/discount rate based at least in part on said inputted data, said automatically computed yield/discount rate associated with said fixed income instruments;

outputting said yield/discount rate over said multiple computer system to said other computer; and

displaying said yield/discount rate on said other computer's output means, wherein at least one of the inputting step and the transmitting step is performed using a computer program for receiving data from said multiple computer system.

(3)   Identifying at Least One Claim in the Patent

Count 1 corresponds with claim 1 in the patent, and Count 2 corresponds with claim 31 in the patent.

(4)   Present a Claim

Count 1 corresponds exactly to claim 1 in the patent application, and Count 2 corresponds exactly to claim 2 in the patent application.

The claims of the patent do not correspond exactly to the count, but they correspond substantially to the count, and an explanation is set forth below. Differences between the patent claims and the Counts are shown with deleted patent claim language in italics and underlined language added to show the Count language, with the explanations in bold following each paragraph.

1.   In an electronic *auction* bidder system including a*n issuer* second computer having a*n display* output means and at least one *bidder* buyer's computer having an electrically coupled input means *device* and a *display* monitor, said *bidder* buyer's computer and said second computer being respectively located *remotely from said issuer's computer*, said computers being used in cooperation in a multiple computer system *coupled to at least one electronic network for* in electronically communicating data *messages* between said computers, an electronic *auctioning* bidder process for *auctioning* selling fixed income *financial* instruments comprising:

Explanation: an auction system and a bidder system are the same system, but in different words; an issuer computer and a second computer are the same device, but in different words; an electrically coupled input means and an input device are the same device, but in different words; a display and a monitor are different words for the same device; the bidder's computer and the buyer's computer are the same computer, but in different words; having the computers respectively located is the same location as having one computer located remotely from said issuer's computer, but in different words; having computers being used in cooperation in a multiple computer system is the same as computers coupled to at least one electronic network, but in different words; electronically communicating data between said computers is the same as communicating data messages to and from said plural bidders' computers and to and

from said other computer, but in different words; the auction process is the same as the bidder process, but in different words, in connection with selling fixed income instruments, which per se are financial.

inputting data associated with at least one *bid* <u>price the buyer is willing to pay</u> for at least one fixed income *financial* instrument into said *bidder's* <u>buyer's</u> computer via said input means *device*;

Explanation: a bid is the same number as a price the buyer is willing to pay; fixed income instruments per se are financial; the bidder's computer is the same computer as the buyer's computer, but in different words; and the input device is the same device as the input means, but in different words.

automatically computing *at least one interest cost value* <u>yield/discount rate</u> based at least in part on said inputted data, said automatically computed <u>yield/discount rate</u> *interest cost value specifying a rate representing borrowing cost* associated with said at least one fixed income *financial* instrument;

Explanation: yield/discount rate is the same rate or number as the interest cost value specifying a rate representing borrowing cost, but in different words; and fixed income instruments per se are financial.

submitting <u>presenting said price by outputting</u> *said bid by transmitting* at least some of said inputted data from said *bidder's* <u>buyer's</u> computer over said *at least one electronic network* <u>multiple computer system</u>; and

Explanation: presenting is the same as submitting, but in different words; the bidder's computer is the same device as the buyer's computer, but in different words; and the multiple computer system is the same as the electronic network, but in different words.

communicating *at least one message* data associated with said *submitted bid price* to said *issuer* second computer over said *at least one electronic network* multiple computer system and displaying, on said output means *issuer's computer display*, information associated with said *bid* price including said computed *interest cost value* yield/discount rate, wherein at least one of the inputting step, *the automatically computing step*, the *submitting* presenting step, and the communicating step *and the displaying step is performed* includes the step of using a *web browser* computer program for receiving data from an other computer in said multiple computer system.

Explanation: communicating a message is the same as communicating data, but in different words; the submitted bid is the same as the price, but in different words; the issuer computer is the same device as the second computer, but in different words; the multiple computer system is the electronic network, but in different words; said issuer's computer display is the same device as the second computer's output means, but in different words; the bid and the price are the same number, but in different words; yield/discount rate is the same rate or number as the interest cost value specifying a rate representing borrowing cost, but in different words; presenting is the same as submitting, but in different words, and as the patent claim requires "at least one", neither the automatically computing step nor the displaying step is necessary for coming within the scope of the claim; a web browser is a computer program for receiving data from an other computer in said multiple computer system, but in different words.

COUNT 2.

2.   In an electronic *auction* bidder system including *plural bidders'* multiple buyers' computers and an *issuer's* other computer, the multiple buyers' computers and the other computer respectively located *remotely from said plural bidders' computers*, each of said *plural bidders'* multiple buyers' computer *including* having a*n associated* respective electrically coupled input *means* device and monitor *a display*, said *issuer's* other computer having *including* an output means *display*, said computers being used in cooperation in a multiple computer system in electronically communicating data between said computers *at least one electronic network communicating data messages to and from said plural bidders' computers and to and from said other computer*, an electronic *auctioning* bidder process for *auctioning* selling fixed income *financial* instruments comprising:

Explanation: an auction system and a bidder system are the same system, but in different words; plural bidders' computers are the same computers as multiple buyers' computers, but in different words; an issuer's computer is the same computer as an other computer, but in different words; having the computers respectively located is the same location as having the computers remotely located, but in different words; for input / output devices to be associated or coupled is the same, but in different words; an input means is the same device as an input device and a monitor is the same device as a display; as to the other computer, having or including is the same relationship, and the output means is the same device as the display, but in different words; having computers being used in cooperation in a multiple computer system is the same as computers coupled to at least one electronic network, but in different words; electronically communicating data between said computers is the same as

communicating data messages to and from said plural bidders' computers and to and from said other computer, but in different words; the auction process is the same as the bidder process, but in different words, in connection with selling fixed income instruments, which per se are financial.

at *at least* one of said *plural bidders'* multiple buyers' computers, inputting data associated with a*t least one bid* price one of the multiple buyers is willing to pay for fixed income *financial* instruments via said respective input means *device*;

Explanation: plural bidder's computers are the same computers as the multiple buyer's computers, but in different words; a bid is the same and same number as a price one of the multiple buyers is willing to pay, but in different words; fixed income instruments are per se are financial instruments; the input means is the same device as the input device.

automatically computing *at least* one *interest cost value* yield/discount rate based at least in part on said inputted data, said automatically computed yield/discount rate *interest cost value specifying a rate representing borrowing cost* associated with said fixed income *financial* instruments;

Explanation: yield/discount rate is the same rate or number as the interest cost value specifying a rate representing borrowing cost, but in different words; fixed income instruments per se are financial instruments.

ordering the interest cost values associated with said inputted data;

Explanation: where the processing involves one rate, which is encompassed by the claim, ordering the one rate exists per se, though it is also not material.

outputting *transmitting* said *interest cost values* yield/discount rate over said *at least one electronic network* multiple computer system to said *issuer's* other computer; and

Explanation: outputting is the same as transmitting; yield/discount rate is the same rate or number as the interest cost value (note the claim antecedent includes a singular value, not the plural values) specifying a rate representing borrowing cost, but in different words; the multiple computer system is the network, but in different words; and the issuer's computer and the other computer are the same device, but in different words.

displaying said *interest cost values* yield/discount rate on said *issuer's computer's display* other computer's output means, wherein at least one of the inputting step, *the automatically computing step, the ordering step,* and the *outputting* transmitting step *and the displaying step* is performed using a *web browser* computer program for receiving data from said multiple computer system.

Explanation: yield/discount rate is the same rate or number as the interest cost value but in different words; the issuer's computer's display and the other computer's output means are the same device, but in different words; because the patent claim requires "at least one," neither the automatically computing step, the ordering step, nor the displaying step is necessary for coming within the scope of the claim; a

web browser is a computer program for receiving data from said multiple computer system, but in different words.

In addition to claims 1 and 2 of the application, that correspond to patent claims 1 and 31 respectively, it should be noted that application also presents claims 3-27, which substantially correspond to patent claims 8, 12, 15, 16, 17, 20, 21, 22, 24, 26, 29, 32, 33, 33, 34, 37, 38, 39, 42, 43, 44, 46, 48, 50, and 60, respectively.

(5)   Showing Correspondence

In applying the terms of claims 1 and 2 in the application, corresponding to Counts 1 and 2, support in the application for the claims is shown by references to the specification made within parentheses "()":

1.   In an electronic bidder (specification, p. 23, line 11) system including a second (specification, p. 61, lines 2-3) computer having an output means (specification, p. 24, lines 21-23) and at least one buyer's (specification, p. 55, lines 10-15 and Figure 6) computer having an electrically coupled input means (specification, p. 23, line 27-p. 24, line 2) and a monitor (specification, p. 39, lines 25-26), said buyer's computer and said second computer being respectively (specification, p. 24, lines 11-12) located, said computers being used in cooperation in a multiple computer system (specification, p. 24, lines 11-13, and p. 25, lines 25-27) in electronically communicating (specification, p. 55, line 17, and p. 61, lines 13-14) data between said computers, an electronic bidder process (specification, p. 13, lines 22-24) for selling (specification, p. 27, lines 2-5) fixed income (specification, p. 11, lines 21-24) instruments (specification, p. 19, lines 13-14), the process comprising:

inputting (specification, p. 29, lines 3-12) data associated with at least one price

the buyer is willing to pay (specification, p. 30, lines 4-8) for at least one fixed income instrument

into said buyer's computer via said input means;

automatically (specification, p. 15, line 7) computing (specification, p. 13, lines

17-19) a yield/discount rate (specification, p. 60, lines 20-21) based at least in part on said

inputted data (specification, p. 60, lines 20-21, and Figures 2 and 6), said automatically

computed yield/discount rate (specification, p. 40, lines 20-23) associated with said at least one

fixed income instrument;

presenting (specification, p. 34, lines 8-10) said price by outputting (specification,

p. 24, line 23) at least some of said inputted data (specification, p. 60, lines 19-21) from said

buyer's computer over said multiple computer system; and

communicating (specification, p. 59, lines 23-24, and Figure 2 and 6) data

associated with said price to said second computer (specification, p. 60, lines 19-25) over said

multiple computer system and displaying, on said output means (specification, p. 61, lines 14-

16), information associated with said price including said computed yield/discount rate, wherein

at least one of the inputting step (specification, Figure 6), the presenting step, and the

communicating step includes the step of using a computer program (specification, p. 15, line 1)

for receiving data from an other computer in said multiple computer system (specification, p. 55,

lines 10-18, p. 56, lines 10-11, and p. 60, lines 19-20).

2.   In an electronic bidder (specification, p. 23, line 11) system including

multiple buyers' (specification, p. 23, line 11, p. 55, lines 10-15, and Figure 6) computers and an

other (specification, p. 61, lines 2-3) computer, the multiple buyers' computers and the other

computer respectively (specification, p. 24, lines 11-12) located, each of said multiple buyers'

computer having a respective electrically coupled input means (specification, p. 23, line 27-p.

24, line 2) and monitor (specification, p. 39, lines 25-26), said other computer having an output

means (specification, p. 24, lines 21-23), said computers being used in cooperation in a multiple computer system (specification, p. 24, lines 11-13, and p. 25, lines 25-27) in electronically communicating data between said computers, an electronic bidder process (specification, p. 13, lines 22-24) for selling (specification, p. 27, lines 2-5) fixed income (specification, p. 11, lines 21-24) instruments (specification, p. 19, lines 13-14) comprising:

at one of said multiple buyers' computers, inputting (specification, p. 29, lines 3-12) data associated with a price one of the multiple buyers is willing to pay (specification, p. 30, lines 4-8) for fixed income instruments via said respective input means;

automatically (specification, p. 15, line 7) computing (specification, p. 13, lines 17-19) one yield/discount rate (specification, p. 60, lines 20-21) based at least in part on said inputted data (specification, p. 60, lines 20-21, and Figures 2 and 6), said automatically computed yield/discount rate (specification, p. 40, lines 20-23) associated with said fixed income instruments;

outputting said yield/discount rate (specification, p. 24, line 23) over said multiple computer system to said other computer (specification, p. 60, lines 19-20); and

displaying said yield/discount rate on said other computer's output means (specification, p. 61, lines 14-16), wherein at least one of the inputting step (specification, Figure 6) and the transmitting step is performed using a computer program (specification, p. 15, line 1) for receiving data from said multiple computer system (specification, p. 55, lines 10-18, p. 56, lines 10-11, and p. 60, lines 19-20).

The requirements of 35 U.S.C. Sec. 135(b) are met because the claims with interfering subject matter are being presented in this patent application filed prior to one year from the date on which the patent was granted. A prima facia showing, pursuant to C.F.R. §1.608 is unnecessary, but such is provided by the claim of priority in the patent application from a lineage of patent applications, as follows: The present patent application is a continuation

of U.S. patent application Ser. No. 09/785,254, filed February 16, 2001, and Ser. No. 09/134,451, filed August 14, 1998, and issuing as U.S. Patent No. 6,192,347, and U.S. patent application Ser. No. 09/134,453, filed August 14, 1998, each of which is a continuation-in-part of U.S. patent application Ser. No. 08/181,632, filed January 12, 1994, issued as U.S. Patent No. 5,802,501, which is a continuation-in-part of Ser. No. 07/967,644, filed on October 28, 1992, now abandoned, all of which are incorporated by reference herein. In that said effective filing date predates the filing date of the patent, Applicant is entitled to an interference.

Accordingly, requirements for an interference have been satisfied, and Applicant respectfully requests that the interference be declared. If the Examiner believes that prosecution of the application could be expedited by a telephone interview, the Examiner is requested to call Peter K. Trzyna at (312) 240-0824.

The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application, including the interference, or credit any overcharges to Deposit Account No. 50-0235. Please direct all correspondence to the undersigned at the address given below.

Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,

Date: December 11, 2001

Peter K. Trzyna
(Reg. No. 32,601)

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Chicago, Illinois 60680-7131

(312) 240-0824

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